

IN The United States District Court
For The Middle District of Alabama
Eastern Division

(1)

Court Copy

RECEIVED

Tony Lamar Pinkard Sr.

Plaintiff.

v.

Craig Davidson,
Defendant.

2007 MAR 16 A 10:12

Civil Action No: 3:07-CV-70-MEF
AUBURN, ALABAMA
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Plaintiff special Report

Come now Plaintiff Tony Lamar Pinkard Sr. Hereafter, "Tony Pinkard" or "Plaintiff"), and Submits his special Report to the Court as follows:

I. Introduction

The Plaintiff filed his Complaint in the United States District Court for the Middle District of Alabama on January 23, 2007. In his Complaint the Plaintiff alleges that the Defendant did !! Subjected him to cruel and unusual punishment !! and police brutality !! On January 9, 2007

II Plaintiffs Response to Defendants Allegations

The Plaintiff alleges that he was subjected to cruel punishment and Police brutality, in contravention of the Eight Amendment and fourthteenth Amendments of the United States Constitution respectively.

III Plaintiffs Response to Defendants Allegations

Plaintiff Tony Lamar Pinkard States true facts about his complaint and is willing to Swear under oath that its the truth and nothing but the truth so help me God.

(6)

A. Facts: Plaintiff was incarcerated at the Randolph County Jail on January 8, 2007 on charges of failure to appear for child support, domestic violence (harassment) and DWI. Plaintiff was in chambers county Jail for Dis. and Conduct. Randolph County was not suppose to come pick me up Lee County was so Randolph County Interfered with other police business, as usual.

Fact (1) Response to Defendants Allegations Incident Report 0500 Am
% Smith Allegation

First of why Smith didn't report to the Sgt. that was in charge on that shift.
 Second of all the Jail Doors has to be open to feed inmates for #one and for #two how can I beat on a door that is opened up with a officer standing in the door way. The Jail camera is behind a tinted window and it was in plain view of B-Block because the lights was on, And the cell Block Door windows is got really bad scratches on the plessy glass window. It is not any way Smith could have seen Pinkard through the glass window. It is ~~about~~ About 80 more inmates in that Jail how can Smith say it was me who was making a great deal of noise that night. He cant he dont know who it was. Read Smith Incident Report he states that the Plaintiff witch is Pinkard did not say any thing else. where did I curse this was at 0500 am Smith states this in his statement. who did Davidson come up and spray Pinkard If the Incident report said Pinkard did not say any thing else. To me this is some personal problem Davidson got against Pinkard. In Smith Affidavit he states that Pinkard was yelling cursing generally making an excessive amount of noise keeping other inmates awake. If this Jail is so up to date why dont they have any Inmate Grievances forms from any inmates that Pinkard needs to be moved If they are so personal. #one
 There are no Intercoms in the cell Block. Beating is the only way to get officers attention Question any inmates in the Randolph county Jail

Part of #12) how they get officers attention and you will see.

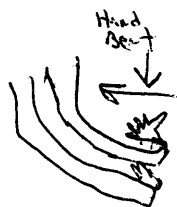
Fact(2) Response to Defendants Allegations Incident Report 7:20 AM

Matthew Fendley

First of all Fendley has a problem with Pinkard also Fendley has harassed Pinkard with Davidson in other instance on 11-29-05 They know they was wrong Pinkard was not charged. This show Davidson and Fendley has harassed Pinkard before now. Fendley lies on his incident Report too. He States that him and Davidson came up stairs to talk to ^{Pinkard} me about what was going on. Fendley was not anywhere around when Pinkard was sprayed he lied and also, the lawer. Fendley States in his Affidavit when Davidson sprayed Pinkard he was enabled to the handcuffs could be put on how ever the hand cuffs not be double lock. There for Pinkard was not refusing or using verbally Abuse and argumentative it States loud and clear in his Affidavit. Fendley is not a doctor or a nurse he cant say if I was hurt or injured because I was not seen by a doctor that day. I was transferred to Lee County Jail, 30 minutes ~~later~~ to an hour later.

Fact(3) Response to Defendants Allegation Incident Report 0720 AM

First of all Davidson States when he sprayed Pinkard it enabled him to handcuff Pinkard without injury to either the Plaintiff or him it takes two or three seconds to double lock handcuffs. Why wernt they Double Lock. People that is on Drugs is not that stupid they know If you get handcuffed you dont move and struggle they will tighten up. So Im not that stupid to struggle with handcuffs that is not doublelock. Davidson did not intend to lock the handcuffs. Davidson said Pinkard fingers bent toward his face arm think about how bad that would hurt with handcuffs on, Davidson weigh about 230pounds and Fendley weight About 260 pounds who played preferal Foot Ball I weigh 180 pounds so you tell me If the same two people held you could you move No!!! Davidson States Pinkard continued to Struggle and resist and hit his own head against the water hose, Pinkard was on his knees when this was



Police use this when they arrest some one
This is to show what I mean

(4)

going on with the water. This cart ~~was~~ has come since A flexible water hose is ^{not} going to hurt if you hit your own head or it come on people. Read Davidson Affidavit #13 States garden Hose! He whipped me one time in the right ear hard as Hell I'm sorry for the expression I got Chemical Spray in my face why would I want to struggle and resist I wanted the water on my face. The knot is still behind my ear now. David don't know I had a tooth but he still sprayed me with that spray. The reason I did not get medical treatment at Randolph County Jail because I got transferred that same day. Neither officer states that Pinkard was asleep when they came up stairs I had on my pants that's all I had on when I was took out side it was 40% degrees out side. I had no shoes on or any thing else on my back. Read Davidson Aff at 11. it states it is possible that the handcuffs tightened on Pinkard wrists to the point where it cause pain. you got to push on cuffs not pull against cuffs to tighten up. Davidson Don't Pinkard wrists to cause pain. He States Pinkard was handcuffed a few minutes that's a lie. we had to go through a lock, door wait on the elevator then go down stairs. It takes more than a few minutes to wash off Chemical Spray. Davidson did threaten Pinkard and did cause pain to his rights ear and wrists.

David Davidson
Aff #11

Fact 14

Response to Defendants Allegation Incident Report

Stacy Boyd

First of all Boyd States She witnessed every thing why didn't she make an Incident Report because she didn't see any thing but washing my head and Davidson hit me with the hose. She ask me was I alright if she didn't think I was hurt why would she ask that if she didn't think I was hurt. Also Boyd is Pinkard Second Cousin and is not telling the truth either and afraid of losing her Job.

Notes

Every bodies Affidavit is Notarized but Fendleys because he didn't see any thing.

Doctor Notes

1/16/07 States he does seem to have strength and movement in the right thumb and forefinger But! he has subjective numbness in the expected area of the radial nerve branch distribution. Impression right hand paresthesia probably from pressure from hand cuffs Placement. Will recheck him in one week to see how his hand is doing. And Doctor McFarland MD made a tape recorder of the wrists and car. See Lee County medical Center from: Prescription for Naproxen for pain right wrists and discomfort. Inmate Request from for I.B. Prefers for pain and Notes March 2, 2007. The lawyer for the Defendants ~~had~~ lied on his Legal argument saying the Lee County Physician Indicate I did not deem it significant enough to even prescribe an aspirin for it, he would recheck in a week why did the Doctor write the pain medication for me. I have my copy of the medication sheet look at the medication book. The Defendants ~~lower~~ Lower or Neither of the Defendant can say my injuries were De minimis.

Motion for Summary Judgment

On a Motion for Summary Judgment the Court should view the Evidence closer than they should because there is lying and Contradicting there self, and the lawyer also. I ask this Court to have a Jury Trial on this case then the truth will come out. And order for more medical treatment on my right wrists and you will see I have no use of my right hand or can't hardly hear out of my right ear. I want this Court to make him pay for what he has done and I would like to have my Court Documents Transferred from this County to Chambers County.

(6)

B. motion for Summary Judgment
Plaintiff respectfully Requests that this honorable Court ~~Accept~~
this Special Report as a motion for Summary Judgment and grant a
Jury Trial.

Tony Luna Richard Sr.
Lee county Detention facility
Post Office Box 2407
Opelika Alabama 36801

Certificate of Service

I hereby certify that on this 8th Day of March 2007 I
have serve the foregoing copies by U.S. Mail

/s/ Scott Gosnell
Scott W. Gosnell Bar Number: 605002
Attorney of Defendant
WEBB & ELLY P.C.
7475 Hickory Point Road
P.O. Box 246909
Montgomery AL, 36124
Telephone 334-262-1850
Fax 334-262-1889
Email sgosnell@webbelly.com

Tony Luna Richard Sr.
Date: 3-8th 2007

(7)

Plaintiff's Statement of Facts

Fendley, Davidson, Smith, and Boyd all there Affidavits and Statements and Incident Reports are the same. Smith and Joe Dillcrystal feed breakfast trays that morning why didn't he give a statement or make an Incident report. If it was a big deal there was a ^{Sgt} Sargent on that shift that night who had a higher rank ~~so~~ Sharon why she didn't make a report, these officers is lying and the truth is not in them. I'm sorry for being straight forward but that's the truth. Life is something that you live for your self not for no one else. I know you all have heard the saying If you buck a dog in a corner that dog will get tired and bit back so this is the second time officers has cause me a great deal of pain and injury and I'm tired of it. I can only run so far and take so much. If you build up enough of pressure on a steel pipe it will burst. I ask this court to investigate the two other witnesses that had knowledge of this incident they will tell the truth because they are church going people. That's why they were not able to make a statement.

Certificate of Service

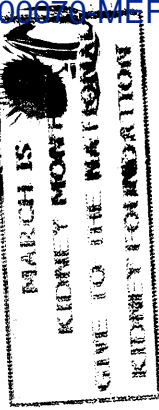
I hereby Certify that on this 8th Day of March 2007 I have serve the foregoing copies by U.S. mail.

Scott Gosnell
and

United States District Court

Tony Lamar Pinkard Sr.
Lee County Detention Facility
Post Office Box 3407
Opelika Alabama 36801

MONTGOMERY AL 361
15 MAR 2007 PM 2 T



Office of The Clerk
United States District Court
Post Office Box 711
Montgomery Alabama 36101-0711
Official Business

Legal Mail 36101-0711